

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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Legislative Document

No. 685

S.P. 214

In Senate, February 25, 1993

**An Act to Amend the Maine Human Rights Act to Include Provisions  
Concerning Employment Discrimination.**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator PARADIS of Aroostook.  
Cosponsored by Senators: BALDACCI of Penobscot, CLEVELAND of Androscoggin, HANDY of Androscoggin, LAWRENCE of York, PEARSON of Penobscot, PINGREE of Knox, TITCOMB of Cumberland, VOSE of Washington, Representatives: BEAM of Lewiston, BRENNAN of Portland, CARROLL of Gray, CHASE of China, ERWIN of Rumford, FARNSWORTH of Hallowell, KONTOS of Windham, MICHAUD of East Millinocket, RYDELL of Brunswick, TOWNSEND of Eastport, TREAT of Gardiner, WENTWORTH of Arundel.

Be it enacted by the People of the State of Maine as follows:

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4       Sec. 1. 5 MRSA §4552, as amended by PL 1991, c. 99, §1, is further amended to read:

6       **§4552. Policy**

8       To protect the public health, safety and welfare, it is declared to be the policy of this State to keep continually in review all practices infringing on the basic human right to a life with dignity, and the causes of these practices, so that corrective measures may, where possible, be promptly recommended and implemented, and to prevent discrimination in employment, housing or access to public accommodations on account of race, color, sex, physical or mental disability, religion, ancestry or national origin; and in employment, discrimination on account of age, work injury or occupational disease under Title 39 or Title 39-A or the exercise of rights protected under Title 39 or Title 39-A and in housing because of familial status; and to prevent discrimination in the extension of credit on account of age, race, color, sex, marital status, religion, ancestry or national origin; and to prevent discrimination in education on account of sex or physical or mental disability.

24       Sec. 2. 5 MRSA §4621, as amended by PL 1979, c. 541, Pt. A, §41, is further amended to read:

28       **§4621. Civil action**

30       Within the time limited, a person who has been subject to unlawful discrimination may file a civil action in the Superior Court against the person or persons who committed the unlawful discrimination. In computing the time limit for actions under this chapter and filing a civil action in Superior Court, when a complaint has been filed with the Human Rights Commission, the time limit for commencing an action does not begin until the commission has finally disposed of the matter.

38       Sec. 3. 5 MRSA §4624 is enacted to read:

40       **§4624. Intentional discrimination and civil action in Superior Court**

42       When intentional discrimination is alleged to have occurred, the parties have the right to trial by jury, and the remedies available for that intentional discrimination include compensatory damages for the value of past and future lost wages, the value of past and future fringe benefits and attorney's fees.

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## STATEMENT OF FACT

4 The purpose of this bill, which is patterned on a federal  
6 law that became effective in July, 1992, is to provide full  
8 compensatory remedy for the victims of intentional discrimination  
10 in employment.

12 This bill makes the following changes to the laws governing  
14 employment discrimination.

16 1. The bill expands the stated policy of the Maine Human  
18 Rights Act to include the prevention of discrimination in  
20 employment on account of work injury, occupational disease or the  
22 exercise of rights under the workers' compensation laws.

24 2. The bill specifies that, in civil cases in which a  
26 complaint with the Maine Human Rights Commission has been filed,  
the statute of limitations does not begin to run until the  
commission has finally disposed of the matter.

3. The bill specifies that, in civil actions in Superior  
Court in which discrimination is alleged to have occurred, the  
parties have a right to a jury trial and to compensatory damages  
including the value of past and future lost wages, past and  
future fringe benefits and attorney's fees.